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Redevelopment Board Minutes 03/29/2006

Arlington Redevelopment Board
Minutes of March 29, 2006

Members Present: Edward Tsoi
Christopher Loreti
Roland Chaput
Andrew West

Also Present: Kevin J. O'Brien

Ed Tsoi called the meeting to order at 7:04 and opted to take up the approval of minutes before talking about the Symmes project. Roland Chaput moved that the minutes of August 16, 2004 open sessions and executive session be approved, Ed Tsoi seconded the motion and the Board voted 2 to 0 in favor with two abstentions (because Andrew West and Chris Loreti were not present at the 8/16/04 meeting).

Andrew West moved approval of the March 20, 2006 meeting minutes, open session and executive session. Roland Chaput seconded the motion and the Board voted 3 to 0 in favor with one abstention (because Chris Loreti was not present at the 3/20/06 meeting).

Ed Tsoi then recognized Jake Upton and Patrick McMahon from Symmes Redevelopment Associates to explain the changes to the project resulting from the settlement of the appeal of the Symmes residential portion special permit. Jake Upton explained that they had just that day concluded a settlement agreement and presented to the Board the changes that the agreement required. Jake explained that they proposed to reduce the project by decreasing the number of residential units from 245 to 200 and to reduce the height of the mid-rise buildings from seven stories to four stories. Jake presented the Board with schematic drawings to illustrate the changes (which drawings were exhibits to the settlement agreement). The plans also showed a reduction in the size of the townhouse units A and B and change in the driveway entrance to townhouse B and a reduction in the parking structure of the mid-rise buildings and slight repositioning of the townhouse units C and D.

After extensive discussion, the Board concluded that the changes were a reduction in what was permitted and therefore did not require a new or amended permit. Roland Chaput moved and Andrew West seconded a motion that the ARB finds that regarding the special permit for the residential portion of the Symmes project (Docket 3272) (i) the proposed changes result in reductions in the height and footprint of the structures as approved by the special permit, (ii) the proposed changes result in a reduction in the number of units and density approved by the special permit, (iii) the changes to the design of several buildings and the internal roadway are insubstantial, (iv) the changes proposed are consistent with the types of changes contemplated by the design review process set forth in the special permit and the Arlington Zoning Bylaw, and (v) the proposed changes do not result in a change to or modification of the special permit which requires an amendment to the special permit, the issuance of a new special permit or the issuance of any other permit under the Arlington Zoning Bylaw. The Board voted 4 to 0 in favor.

The Board next considered changes to the Land Disposition Agreement which allowed the developer to proceed with the smaller project. The Board had seen most of the changes in prior executive sessions, but paged through the document to look at and consider each change. In Section 2, (a), (5) Chris Loreti expressed disapproval with the concept of a transfer fee and Ed Tsoi asked the Board to express its opinion in a vote. The Board voted 3 to 1 in favor of the paragraph. Ed Tsoi asked the same question about a change in the very end of the same Section 2, (a), (5) in which the parties agreed to continue to refine the concept. Again the Board voted 3 to 1 in favor.

At the conclusion of the discussion, Roland Chaput moved that the Board approve the amended and restated LDA dated March 29, 2006, 9:25 PM. Andrew West seconded the motion and the Board voted 3 to 0 with Chris Loreti abstaining.

Andrew West moved that the Board give Ed Tsoi the authority to sign the amended and restated Land Disposition Agreement dated March 29, 2006, 9:25 PM, Roland Chaput seconded the motion and the Board voted 3 to 0 in favor with Chris Loreti abstaining.

Roland Chaput moved and Chris Loreti seconded a motion to authorize its legal counsel, Brian Hurley, to sign stipulations for dismissal in connection with the appeals filed on the Symmes project. The Board voted 4 to 0 in favor.

The Board adjourned at 9:50 PM.

Respectfully submitted,
Kevin J. O'Brien